They also recommend adding the following definitions:

- *INMARSAT*: INMARSAT Ltd. is a private commercial company licensed in the United Kingdom.
- *IMSO*: The International Mobile Satellite Organization (IMSO) is a residual intergovernmental organization which was established to ensure that INMARSAT Ltd. complies with its public service obligations.
- *Universal shipborne automatic identification system (AIS):* A system in the maritime mobile service by which vessels and designated shore stations broadcast, in accordance with International Maritime Organization and International Telecommunication Union Recommendations, a unique identifier, positions, intentions and safety related port and waterway information to similarly equipped vessels and shore stations in order to improve collision avoidance and facilitate vessel tracking.
- *Vessel traffic service area (VTSA):* An area defined at the request of the U.S. Coast Guard to which regulations related to vessel traffic services apply.

57. We agree with some of these proposals. Specifically, we will follow the suggestions relating to INMARSAT, Distress Signal, Distress Traffic, Inland Waters, and Maritime Mobile Service Identities. However, we see no need to revise the definition of Navigable Waters, as it already refers the reader to 33 C.F.R. § 2.05. In addition, we will not revise the Pilot definition as no specific concerns were provided. With regard to Safety and Urgency Signal, we believe that we need to keep the reference to radiotelegraphy for those who choose to continue to use that service. Nor will we add definitions for IMSO, AIS,[145] or VTSA, because these terms are not referenced in Part 80.

2. Subpart B-Applications and Licenses

58. **§ 80.13.** Section 80.13 of our Rules lists the ship station license requirements.[146] The USCG recommends that this regulation be amended to allow a ship earth station to be licensed by rule, to reflect current practice.[147] RBAW states that it understands that there have been talks between the U.S. and Canada concerning a possible reciprocal agreement to eliminate the ship station license requirement for voluntary vessels traveling between the two countries.[148] Thus, it recommends that Section 80.13(c) be amended to include the provisions to accommodate any such reciprocal agreement if executed, without further rulemaking.

59. We disagree with these proposals. Licensing maritime mobile satellite stations by rule is not our current practice, and in fact would neglect our responsibility to be able to identify users, retrieve ship station data from our licensing database in cases of interference, and to provide numbering

[145] Likewise, we decline to follow the Task Force's suggestion that we include enabling language in our Rules for the AIS. We believe that it is premature to do so at this time because not all of the international requirements and standards for AIS equipment have been finalized. Nonetheless, we remain committed to the timely deployment of AIS, and we will continue to work with the USCG to develop licensing, equipment certification, and frequency coordination requirements for AIS at an appropriate time. We will address this matter further in the public coast rulemaking proceeding, PR Docket No. 92-257.

[146] 47 C.F.R. § 80.13.

[147] USCG Comments at 20.

[148] RBAW Comments at 1.

resources. We also disagree with RBAW that Section 80.13(c) should be amended to include the provisions to accommodate any reciprocal agreements between the U.S. and Canada if executed, without further rulemaking. In the absence of a reciprocal agreement, it would be premature to amend our regulations.[149]

60. **§ 80.51.** Section 80.51 provides the ship earth station licensing requirements.[150] The USCG recommends deletion of the portions of paragraph (b) which discuss ship earth stations operating in the old Marisat system and the continued use of such stations, as the Marisat system is no longer in use.[151] We agree that the rules applicable to ship stations operating under Marisat should be deleted, as the Marisat system has not been used since the 1980s. Therefore, we will delete the reference to Marisat in this rule, and throughout our regulations.

61. **§ 80.57.** Section 80.57 provides the channeling arrangements for VHF maritime public correspondence between the U.S. and Canada.[152] The USCG recommends that this section be reviewed and revised to reflect recent vessel public correspondence auctions, recently revised Canadian/USA agreements, and current practices.[153] After reviewing the current text of Section 80.57 and the pertinent agreements between the U.S. and Canada, we see no reason to revise the rule. We believe the rule remains up-to-date with respect to the bilateral arrangements. Similarly, there is nothing in the record indicating a need to revise the rule to reflect recent vessel public correspondence auctions and/or current practices.

3. Subpart C-Operating Requirements and Procedures

62. **§ 80.67.** Section 80.67 sets forth the general facilities requirements for coast stations.[154] The USCG recommends that we delete the requirement that public coast stations transmit and receive H3E emission on the frequency 2182 kHz.[155] We agree. Only J3E is currently authorized,[156] so the deletion of H3E is appropriate.

63. **§ 80.91.** Section 80.91 provides the rules for the order of priority of communications.[157] The USCG comments that this section is outdated and should be replaced by the text of Article S53 of the

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[149] *See, e.g.*, Reorganization and Revision of Parts 1, 2, 21 and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Services, *Memorandum Opinion and Order and Notice of Proposed Rule Making*, WT Docket No. 94-148, 15 FCC Rcd 3129, 3144 ¶ 44 (2000).

[150] 47 C.F.R. § 80.51.

[151] USCG Comments at 20.

[152] 47 C.F.R. § 80.57.

[153] USCG Comments at 20.

[154] 47 C.F.R. § 80.67.

[155] USCG Comments Appendix at 26.

[156] *See* 47 C.F.R. §§ 80.143, 80.369(a).

[157] 47 C.F.R. § 80.91.

ITU Radio Regulations.[158] We agree and will replace this section accordingly. The adoption of the USCG's proposal here will promote international consistency, one of the key goals of this proceeding.

64. **§ 80.101.** Section 80.101 provides the radiotelephone testing procedures requirements.[159] We agree with the USCG's suggestion that we delete the portion of subsection (b) that permits short tests on 2182 kHz by vessels with double sideband (DSB) (A3) equipment to evaluate the compatibility of that equipment with A3J emissions, for distress and safety purposes.[160] We will, however, allow short tests on 4215 MHz, an alternative distress calling frequency for radiotelephone, if the vessel has MF/HF equipment. We also agree with the USCG that we should delete the prohibition in subsection (c) on 500 kHz testing,[161] inasmuch as 500 kHz survival equipment is no longer used and we have already decided herein to delete 500 kHz as a safety frequency.[162]

65. **§ 80.143.** Section 80.143 provides the required frequencies for radiotelephony.[163] We agree with the USCG[164] that we should delete the last sentence of subsection (a), which permits the use of A3E emissions for distress and safety purposes on 2182 kHz for portable survival craft equipment having the capability to operate on 500 kHz. This language is unnecessary because there is no current requirement for portable survival craft equipment operating on 500 kHz or 2182 kHz.

4. Subpart E-General Technical Standards

66. **§§ 80.205 and 80.207.** Section 80.205 lists the authorized bandwidths for different emission classes.[165] Section 80.207 sets forth emission classes.[166] The USCG recommends deletion of the authorized bandwidths for classes A1A, A1B, A1D, A3N, and A3X. These classes refer to telegraphy, telemetry and analog, none of which are currently used. We cannot delete the A3X reference as it applies to EPIRBs; similarly, A1A cannot be deleted as there are public coast stations authorized to use it, and radio direction finders still required to use it. A1D is applicable to 406 MHz EPIRBs and will not be deleted. A3N is applicable to direction finding equipment and cannot be deleted. In addition, we can discern no public interest benefit to deleting any of these references to emission classes given the absence of any reported interference problems that may be attributable to the referenced emissions. In addition, the USCG has proposed numerous deletions to the authorized emission classes.[167] Based on the current record, we decline to delete the radiotelegraphy emission classes, for the reasons discussed above.

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[158] USCG Comments at 21.

[159] 47 C.F.R. § 80.101.

[160] USCG Comments Appendix at 37.

[161] *Id.*

[162] *See* ¶ 45, *supra*.

[163] 47 C.F.R. § 80.143.

[164] USCG Comments Appendix at 60.

[165] 47 C.F.R. § 80.205.

[166] 47 C.F.R. § 80.207.

[167] USCG Comments Appendix at 72-73.

Instead, in order to build a fuller record upon which to base a decision, we seek comment on the issue in the Further Notice of Proposed Rule Making portion of this document.[168]

67. **§ 80.209.** Section 80.209 of our Rules provides the frequency tolerance requirements applicable to transmitters.[169] We agree with the USCG[170] that the frequency tolerances of 1000, 3000, and 5000, which were only applicable to transmitters approved before November 30, 1977 and are no longer permitted, and footnotes 3 and 5, which set forth frequency tolerances applicable only until February 1, 1999, should be deleted as obsolete.

68. **§ 80.213.** Section 80.213 sets forth the modulation requirements for transmitters.[171] The USCG is correct that the band limits in this section for radar transponder coast stations and variable frequency ship stations transponders should be expanded to 2900-3100 and 9300-9500 MHz, consequential to previous allocation changes made in Section 2.106.[172]

5. Subpart F-Equipment Authorization for Compulsory Ships

69. Subpart F of Part 80 contains the rules on equipment authorization for compulsory ships. The Commission proposed no changes to Subpart F. However, the Task Force recommends deletion of Subpart F, arguing that it is obsolete and that Subpart W contains all the guidance required by compulsory vessels.[173] The USCG concurs with the substantial deletion of this Subpart, but would retain Sections 80.251 (scope of the rule, except for the references to radiotelegraph), 80.269 (technical requirements for watch receivers, except for references to H2A and H2B emissions), 80.271 (technical requirements for portable survival craft transceivers) and 80.273 (refers reader to 80.825 for technical requirements for radar).[174] After reviewing the Subpart F rules and the comments, we agree that many of the rules in Subpart F are obsolete and can be eliminated. However, we also concur with the USCG's view that Subpart F should not be removed in its entirety. Specifically, we will retain Subpart F, but we will eliminate Sections 80.253 through 80.267 and modify Sections 80.251 and 80.269 as proposed by the USCG. In addition, we will amend Section 80.273 so that it no longer cross-references Section 80.825, which is being removed in conjunction with the deletion of Subpart Q, but instead provides a full description of our radar installation requirements and specifications. Finally, we have determined that existing Sections 80.818 through 80.823 should be moved from Subpart Q to Subpart F to permit the deletion of Subpart Q.[175] We believe the substance of these rules should be retained in Part 80 because they are drawn from requirements in the Communications Act.[176]

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[168] *See* ¶ 116, *infra*.

[169] 47 C.F.R. § 80.209.

[170] USCG Comments Appendix at 74-75.

[171] 47 C.F.R. § 80.213.

[172] USCG Comments at 22.

[173] Task Force Comments at 7.

[174] USCG Comments Appendix at 91-106.

[175] *See* n.106, *supra*.

[176] *See, e.g.*, 47 U.S.C. §§ 351(a)(2), 355.

6. Subpart G-Safety Watch Requirements and Procedures

70. **§ 80.304.** The Task Force recommends that Section 80.304,[177] which sets forth the watch requirements during specified silence periods, be deleted in its entirety.[178] However, the USCG concurs only with the deletion of subsection (a), which deals with the watch requirement on telegraphy frequencies.[179] We agree with the USCG that subsection (b), which provides the watch requirements for 2182 kHz for ship stations operating on telephony on frequencies in the band 1605-3500 kHz, should be retained. As we stated above, insofar as non-GMDSS ships are still using 2182 kHz, the continued watch will result in interoperability between compulsory and non-compulsory vessels, thereby enhancing ship safety. Therefore, we will retain the 2182 kHz watch requirement in this section.

71. **§ 80.313.** The Task Force recommends[180] that the frequencies for DSC, INMARSAT, and EPIRB be added to the chart of frequencies for use in distress contained in Section 80.313. We believe the addition of the specified frequencies to the chart of frequencies in Section 80.313 is unnecessary because all of the DSC calling channels are listed in a table in Section 80.359,[181] and the operator does not have control over the selection of EPIRB and INMARSAT frequencies used for distress, and no public coast stations keep watch on these frequencies. These are closed systems, watched by COSPAS-SARSAT, on the one hand, and INMARSAT, on the other. Accordingly, we will limit our revision of the chart of frequencies in Section 80.313 to removal of the entries for 500 kHz and 8364 kHz.[182]

72. **§§ 80.314-80.316.** Sections 80.314, 80.315, 80.316 explain the format of the international radiotelegraphy and radiotelephone distress signals, distress calls and distress messages, respectively.[183] The USCG recommends deletion of Sections 80.314 and 80.315 in their entirety, and of Section 80.316(a),[184] but the Task Force recommends deleting only the international radiotelegraphy signal and call sections, and retaining the radiotelephone signal and call sections.[185] We concur with the deletion of Sections 80.314(a), 80.315(a), and 80.316(a) as they are clearly obsolete due to their references to international radiotelegraphy distress signals, distress calls, and distress messages, respectively. However, we do not believe the record supports deleting Sections 80.314 and 80.315 in their entirety. Inasmuch as these rules describe the Mayday procedures, which have not become obsolete, we believe that they should be retained and decline to delete them at this time. In addition, the Task Force suggests that we add the formats for DSC, INMARSAT and EPIRB signals, and DSC and INMARSAT

[177] 47 C.F.R. § 80.304.

[178] Task Force Comments at 7.

[179] USCG Comments Appendix at 107.

[180] Task Force Comments at 8.

[181] *See* 47 C.F.R. § 80.359(a).

[182] *See* ¶ 45, *supra.*

[183] 47 C.F.R. §§ 80.314, 80.315, 80.316.

[184] USCG Comments Appendix at 112-13.

[185] Task Force Comments at 8.

calls and messages.[186] However, we believe it is unnecessary to add the signals and calls recommended by the Task Force, because the rules at issue are intended to provide the formats for aural watchkeeping, whereas the DSC, INMARSAT and EPIRB signals will automatically be recognized by GMDSS equipment. We will also implement the USCG's recommendation that WRC-97 decisions pertaining to false distress alerts be incorporated herein.[187]

7. Subpart H-Frequencies

73. **§ 80.363.** Section 80.363 sets forth the frequencies for facsimile transmissions.[188] The USCG notes that the table therein and footnote US296 to the Table of Frequency Allocations in Section 2.106 are inconsistent with ITU Radio Regulation APS 17 Table of Frequencies assignable to ships for wideband, and proposes that these sections be amended accordingly.[189] We agree and will implement both changes.

74. **§ 80.374.** Section 80.374 provides special provisions for frequencies in the 4000-4063 kHz and the 8000-8195 kHz bands shared with the fixed service.[190] The USCG recommends that this section be reviewed for conformance to WRC actions, but has not provided or specified the WRC actions at issue.[191] Other than a need to remove some obsolete text from the introductory paragraph of Section 80.374, our review found no conflict with the international rules. Accordingly, we will revise the introductory paragraph but otherwise make no changes to this section.

75. **§ 80.375.** Section 80.375 describes the carrier frequencies assignable to radiodetermination stations.[192] The USCG recommends that paragraphs (a)(1) and (2) be deleted as they apply to obsolete frequencies, and paragraphs (d)(2)(vii), (d)(3), and (d)(4) be deleted as they apply to obsolete transponders.[193] Further, it proposes that paragraph (e) be replaced with "Search and Rescue Radar Transponder." We agree with the proposed deletions. We will also add a new SART section, which will permit SARTs to operate in the band 9200-9500 MHz in accordance with ITU-R Recommendation M.628-1.

76. **§ 80.383.** Section 80.383 describes the carrier frequencies available for use in the Coast Guard Vessel Traffic Services (VTS) systems.[194] The Task Force recommends that this section be expanded with a new subsection to recognize the routine practice by which VTS operators ashore accept the distress watch on Channel 16 on behalf of vessels within their jurisdiction which have shifted their

[186] *Id.*

[187] USCG Comments at 17-18.

[188] 47 C.F.R. § 80.363.

[189] USCG Comments at 9.

[190] 47 C.F.R. § 80.374.

[191] USCG Comments at 9.

[192] 47 C.F.R. § 80.375.

[193] USCG Comments at 9.

[194] 47 C.F.R. § 80.383.

VHF guard to the VTS sector frequency.[195] It believes that the prescribed distress, VTS, and bridge-to-bridge watches often exceed the number of transceivers available. However, we decline to take any action here as we believe that Section 80.148 of our Rules[196] adequately addresses the Task Force's concern.

8. Subpart I-Station Documents

77. **§ 80.401.** Section 80.401 of our Rules lists the documents that Part 80 licensees are required to have.[197] In the *Notice*, the Commission proposed to amend Section 80.401 to add publications appropriate for GMDSS ships.[198] In response to this proposal, the Task Force recommended that the radio station categories which currently refer to vessels by reference to the applicable provisions in the Communications Act of 1934, e.g., "Telephone: Title III, Part II," be changed to describe the vessel type.[199] SEA suggested that the Commission's intention was to add columns for the GMDSS Master Plan, NIMA Publication 117, and the Admiralty List of Radio Signals.[200] We believe both of these changes are warranted in the interest of improving the clarity and utility of the table, and will implement them.

78. **§ 80.409.** Anderson proposes that we amend Section 80.409(a), which provides the general requirements for the establishment and maintenance of station logs, to allow for the electronic maintenance of logs with a final printout for file at the end of the voyage.[201] He also recommends that we modify Section 80.409(b)(1)(i), which requires that logs relating to a distress situation or disaster be retained for three years,[202] to set the log requirements consistently for all logs at one or two years.[203] We decline both suggestions. We believe action on electronic logs is unnecessary because our Rules do not limit the manner of log maintenance. We also are unconvinced that we should change the log retention requirements for distress cases. The longer period of log maintenance for distress cases is warranted to accommodate lengthy and time-consuming investigations.

9. Subpart M-Stations in the Radiodetermination Service

79. **§ 80.605.** Sections 80.605(b), (c) and (d) of our Rules pertain to USCG coordination for ship transponders.[204] The USCG points out that no manufacturer has applied for certification of

[195] Task Force Comments at 8.

[196] 47 C.F.R. § 80.148.

[197] 47 C.F.R. § 80.401.

[198] *NPRM*, 15 FCC Rcd at 5978-79. As pointed out by some of the commenters, the table in the proposed amendment of Section 80.401 did not reflect the proposed changes but merely replicated the existing table.

[199] Task Force Comments at 9.

[200] SEA Comments at 4.

[201] Anderson Comments at 2.

[202] 47 C.F.R. § 80.409(b)(1)(i).

[203] Anderson Comments at 2.

[204] 47 C.F.R. § 80.605(b), (c), (d).

transponders pursuant to these sections.[205] Consequently, these transponder devices have never gone into general use since the adoption of these regulations. Furthermore, it asserts that the development of AIS equipment replaces the need for such transponders. Thus, the USCG recommends that these provisions be deleted and replaced by the following:

> (b) Coast station transponders (i.e. radar beacons, or racons) operating in the band 2900-3100 or 9300-9500 MHz shall meet the requirements of ITU-R Recommendation M.824-2. Applications for certification of these transponders must include a description of the technical characteristics of the equipment including the scheme of interrogation and the characteristics of the transponder response, and test results demonstrating the device meets each applicable requirement of this ITU-R recommendation.
>
> (c) The use of ship station transponders in the band 2900-3100 or 9300-9500 MHz other than those described in § 80.1085(a)(3) and § 80.1095(b) is prohibited.

We agree that this new text is appropriate, as GMDSS now requires the 9 GHz Radar Transponder, and will implement the proposed change.

10. Subpart S-Compulsory Radiotelephone Installations for Small Passenger Boats

80. **§ 80.909.** Section 80.909(b) provides the technical requirements for single sideband (SSB) radios.[206] The USCG recommends deletion of the reference therein to H3E emissions, which, as noted above,[207] are no longer permitted, and of the last sentence of this subsection, which permitted SSBs installed before 1992 to be used until 1997.[208] We agree with the USCG and will adopt the proposed changes.

11. Subpart U-Radiotelephone Installations Required by the Bridge-to-Bridge Act

81. Subpart U of our Rules[209] sets forth the regulations implementing the Bridge-to-Bridge Act.[210] The Commission proposed no changes to Subpart U. Maritel, however, argues that vessels required to comply with GMDSS are also subject to the Bridge-to-Bridge Act.[211] It believes that once Sea Area A1 is operational and GMDSS requirements are mandatory, Subpart U may be redundant of our GMDSS rules. The USCG disagrees with Maritel, and asserts that the need for shipmasters to instantly communicate by voice will always exist.[212] It further asserts that thousands of vessels would be affected

[205] USCG Comments at 23.

[206] 47 C.F.R. § 80.909(b).

[207] *See* ¶ 62, *supra*.

[208] USCG Comments Appendix at 232.

[209] 47 C.F.R. §§ 80.1001-80.1023.

[210] *See* 33 U.S.C. § 1203 (1971).

[211] Maritel Comments at 14.

[212] USCG Reply Comments at 4.

by Maritel's proposed change.[213]

82. We disagree with Maritel's assertion that our rules pertaining to the Bridge-to-Bridge Act are redundant of our GMDSS rules. The Bridge-to-Bridge Act applies to vessels that are not subject to GMDSS. Thus, these regulations will be applicable to such vessels. In addition, we do not appear to have the authority to delete regulations implementing the Bridge-to-Bridge Act since the Act itself has not been repealed. Furthermore, even if Maritel's assertions are correct, we believe it would be premature to delete these rules prior to the full implementation of GMDSS, *i.e.*, the establishment of Sea Areas A1 and A2, especially since the time frame for such establishment is uncertain. Therefore, we take no action on Maritel's proposal.

83. The USCG additionally proposes that the following note be added to Section 80.1003:

> Vessels operating in high level electromagnetic environments may experience interference on bridge-to-bridge radiocommunications frequencies which may preclude their ability to meet the requirements of this Section; radiotelephone installations which meet the requirements of RTCM 87-99/SC117-STD are designed to maintain successful reception in such areas. That standard is available from the Radio Technical Commission for Maritime Services (see http://www.rtcm.org).[214]

The apparent purpose of this advisory note is to alert mariners who are experiencing severe and disruptive interference on VHF channels that radios which meet the RTCM requirements will provide better reception and communication capabilities. While we agree with the USCG that this note would be very helpful to mariners, we note that the addition of this language to our rule would have no regulatory effect. Therefore, we decline to amend Section 80.1003 as suggested. Nonetheless, since we believe the note provides useful information, we will place it on our website.

12. Subpart V-Emergency Position Indicating Radiobeacons (EPIRBs)

84. **§ 80.1061.** Section 80.1061 provides the special requirements for 406 MHz EPIRBs.[215] The USCG recommends that the frequency reference to satellite EPIRBs in this and all sections of Part 80 be amended to read 406 MHz rather than 406.025 MHz.[216] It believes such a change is warranted because new satellite EPIRB productions may be on frequencies in 3 kHz steps within the 406-406.1 MHz band to prevent saturation of the 406.025 MHz frequency. It further recommends that Section 80.1061(a) be revised to include the current version of the RTCM standard for 406 MHz EPIRBs, Version 2.1, August 22, 2000.[217] In addition, the USCG proposed that Section 80.1061 be revised to specify that independent laboratories, rather than the USCG, verify the compliance of 406 MHz EPIRBs with RTCM standards, stating that this would streamline the authorization process.[218] The Task Force

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[213] *Id.*

[214] USCG Comments at 25.

[215] 47 C.F.R. § 80.1061.

[216] USCG Comments at 26.

[217] *Id.*

[218] *Id.* The current procedure for securing equipment authorization for EPIRBs calls for the equipment to be tested for compliance with the Commission's Rules at a USCG-approved laboratory, after which the manufacturer or laboratory forwards the test report and other information to the USCG for its review. The USCG then issues a (continued....)

recommends that the reference to the Commandant (G-MVI) be updated to (G-MSE).[219]

85. We agree with the USCG that the 406.025 MHz reference is inaccurate. However, we also believe that a sole reference to 406 MHz is similarly inaccurate as it does not precisely describe the band, which will span from to 406.0-406.1 MHz. Therefore, we will amend our Rules to reflect the frequency reference to such EPIRBs as 406.0-406.1 MHz. We will also implement the proposed RTCM reference update, and the Task Force's suggestion as to the Commandant reference. However, we decline to revise Section 80.1061 at this time to require that independent laboratories, in lieu of the USCG, be responsible for verifying the compliance of 406.0-406.1 MHz EPIRBs with RTCM standards. The current record on this issue does not support the USCG's assertion that such a change would streamline the authorization process. Therefore, given the potential public safety implications of changing the manner in which EPIRBs are tested for compliance with regulatory requirements, we decline to take such action at this time.

13. Subpart W-Global Maritime Distress and Safety System (GMDSS)

86. **§ 80.1067.** Section 80.1067 of our Rules sets forth the ship station inspection requirements.[220] Currently, it requires that ships have their GMDSS equipment inspected at least once every twelve months by an FCC-licensed technician holding a GMDSS Radio Maintainer's License. The Standards of Training, Certification and Watchkeeping (STCW) Convention contains stricter license requirements for such inspectors. Thus, the USCG recommends that this section be amended to be consistent with the STCW Convention, and require that such inspectors hold the First Class GROL.[221] It argues that such a requirement is necessary because lives depend on this equipment operating properly.[222] It recommends that inspectors be given eighteen months to comply with the stricter requirements.[223] Because we believe that successful completion of our licensing requirements sufficiently demonstrates the competency of such inspectors, we decline to implement the USCG's proposal. We are not aware of any significant problem of malfunctioning equipment attributable to inadequate training of FCC-licensed inspectors. Given that not all persons who must hold a GMDSS Radio Maintainer's License are subject to the STCW requirements,[224] and in the absence of record evidence to support a finding that adoption of the USCG's proposal would address an existing safety problem, we believe conforming our licensing requirements in this area with those of the STCW Convention would unnecessarily add to the burden of applicants for maintainer licenses who do not also need an STCW certification.

87. **§ 80.1069.** Section 80.1069 provides the definitions of the various Sea Areas.[225] As

(Continued from previous page)
letter stating whether the EPIRB is compliant, which must accompany the application to the Commission for certification of the EPIRB.

[219] Task Force Comments at 10.

[220] 47 C.F.R. § 80.1067.

[221] USCG Comments at 30.

[222] *Id.*

[223] *Id.*

[224] *See* n.47, *supra*.

[225] 47 C.F.R. § 80.1069.

presently written, the rule defines the Sea Areas in terms of their GMDSS equipment coverage. For example, Sea Area A1 is defined as the area within radiotelephone coverage of at least one VHF coast station.[226] The USCG suggests that this section be rewritten to be more informative to a U.S. licensee and to be enforceable.[227] For example, it suggests that the Sea Areas be expressed in distances from the U.S. coast.

88. We disagree with the USCG. The definitions of the various Sea Areas contained in our Rules are derived directly from the SOLAS Convention, which was responsible for the creation of these concepts, and hence, their definitions. Furthermore, one of the main purposes of this proceeding was to align our Rules with international ones. Amending our definitions in a manner that would create a conflict with international definitions is inconsistent with a goal of this proceeding. Therefore, we take no action on the USCG's proposal.

89. **§§ 80.1071 & 80.1074.** Section 80.1071(b)(3) allows for an exemption from certain GMDSS rules prior to February 1, 1999.[228] Section 80.1074(b)(3) allows certain licenses to qualify one as a GMDSS maintainer until February 1, 1999.[229] We agree with the USCG that we should delete these sections, since they were applicable only until dates which have passed.[230]

90. Section 80.1074 requires vessels electing at-sea maintenance for their GMDSS equipment to carry at least one person who qualifies as a GMDSS radio maintainer.[231] This person may also serve as GMDSS radio operator.[232] The USCG does not concur with allowing the radio maintainer to also serve as radio operator.[233] It believes that such a provision effectively precludes it from requiring these functions to be the responsibility of separate crewmembers. We disagree with the USCG that the GMDSS radio operator should not also be permitted to serve as radio maintainer. Maintenance at sea, in practice, is usually limited to repairing antenna mountings, cabling, fuse replacement and changing to a spare unit. We see no reason why the referenced functions need to be served by separate individuals. Nonetheless, we understand the USCG's concern, and hereby clarify that we do not intend to impede it from imposing its own staffing and manning requirements.

91. The Task Force comments that ships electing at-sea maintenance should be required to carry equipment repair manuals, manufacturer's recommended spare parts, and appropriate test equipment.[234] We decline to take any action on the Task Force's proposal, however, as its suggested

[226] 47 C.F.R. § 80.1069(a)(1).

[227] USCG Comments at 16.

[228] 47 C.F.R. § 80.1071(b)(3).

[229] 47 C.F.R. § 80.1074(b)(3).

[230] USCG Comments at 15.

[231] 47 C.F.R. § 80.1074(a).

[232] *Id.*

[233] USCG Comments at 31.

[234] Task Force Comments at 10.

requirement is already contained in our Rules at Section 80.1105(f).[235]

92. **§ 80.1073.** Section 80.1073(b)(6) sets forth the responsibilities for GMDSS radio operators and backups.[236] The Task Force proposes that it be reworded to read "Responsible for ensuring that the ship's navigation position is entered into all installed DSC equipment, either automatically through a connected or integral navigation receiver, or manually at least every four hours when the ship is underway."[237] The suggested change would merely serve to clarify that the navigation receiver may be connected or integral. Implementing the Task Force's proposal would permit the DSC, INMARSAT station, or satellite EPIRB to provide the ship's position with an integral navigation receiver. The proposed change will cover several alternative methods to ensure that the DSC alert message has an up-to-date position. Further, the change will clarify the rule. Therefore, we will adopt the Task Force's proposed language.

93. **§ 80.1075.** Section 80.1075 provides that, in accordance with the Radio Regulations, a record must be kept of all incidents connected with the radio communication service which appear to be of importance to safety of life at sea.[238] Anderson comments that this requirement should be deleted because it is unnecessary, and inconsistent with Section 80.409(e),[239] which attempts to reduce the burden of log keeping.[240] We disagree with Anderson and believe that we should continue to require vessels to keep a record of radiocommunication incidents which appear to be of importance to safety of life at sea. While Section 80.409 does attempt to eliminate redundant and unnecessary log keeping chores, it in no way hints at eliminating this type of record. Furthermore, the Radio Regulations and Chapter V of SOLAS require this type of record keeping. Therefore, we take no action on Anderson's proposal.

94. **§§ 80.1077 & 80.359.** Anderson points out that there may be an inconsistency between Sections 80.1077 and 80.359.[241] Section 80.1077 allows MF-HF DSC frequencies to be used for routine calling purposes,[242] whereas Section 80.359(a) lists only two frequencies, 156.525 MHz (VHF Channel 70) and MF 2177.0 kHz for routine, general purpose calling.[243] Anderson further points out that Section 80.359(b) appears to deny the use of DSC distress frequencies for routine ship-to-ship calling.[244] He asserts that this is confusing and should be clarified, so that it specifies whether routine DSC calls are allowed on MF-HF DSC frequencies, via elimination of the word "calling." He disagrees with a rule that would not allow for occasional routine calling on MF-HF DSC frequencies, and recommends a limitation

[235] 47 C.F.R. § 80.1105(f).

[236] 47 C.F.R. § 80.1073(b)(6).

[237] Task Force Comments at 10.

[238] 47 C.F.R. § 80.1075.

[239] 47 C.F.R. § 80.409(e).

[240] Anderson Comments at 4.

[241] *Id.*

[242] 47 C.F.R. § 80.1077.

[243] 47 C.F.R. § 80.359(a).

[244] Anderson Comments at 4.

of one call on any individual DSC frequency with a waiting period of fifteen to thirty minutes before making a second call on the same DSC frequency for routine purposes.[245] RBAW agrees with these comments.[246]

95. We agree that there may be an inconsistency between Sections 80.1077 and 80.359(b). Our intention with regard to these sections, however, has been to prohibit routine calling on the DSC frequencies. Hence, we will amend the table at Section 80.1077, and hereby clarify that routine calling is not permitted on MF and HF DSC frequencies. We believe that Section 80.359(b) is presently clear on this issue, and that changes thereto are unnecessary.

96. With further respect to Section 80.1077, the USCG observes that footnote 8 concerning the frequency 490 kHz has expired and therefore should be deleted.[247] The USCG also observes that footnote 9, which states, "Frequency 4209.5 kHz is not used in the United States (see 47 CFR 2.106 footnote 520A)," likewise should be deleted because the referenced footnote 520A no longer exists.[248] We agree with the USCG that footnotes 8 and 9 are obsolete, and we will delete them.[249]

97. **§ 80.1085.** Section 80.1085(a)(4) requires that compulsory ships carry a NAVTEX receiver.[250] Section 80.1101(c)(1) provides the performance standards for such receivers.[251] The Task Force recommends recognition, in these sections, of a type of NAVTEX receiver that has a visual display unit (VDU) instead of a printer.[252] We understand the appeal of these units as they utilize less paper. Nevertheless, we decline to recognize NAVTEX receivers with VDU units at this time because the IMO does not recognize these devices for compulsory ships. It is our understanding that the ones used in Europe are limited to pleasure craft. Furthermore, performance standards and technical recommendations do not yet exist for such units. Therefore, we cannot recognize these units in our Rules at this time.

98. **§§ 80.1085-80.1093.** The USCG advises that Sections 80.1085 through 80.1093 are difficult to interpret.[253] It recommends that these regulations be replaced with simplified tables showing

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[245] *Id.*

[246] RBAW Reply Comments at 2.

[247] USCG Comments at 18.

[248] *Id.* at 18-19. The USCG points out that the footnote is also inaccurate because 4209.5 kHz is an internationally recognized and used NAVTEX frequency. The USCG plans to use this NAVTEX frequency on a trial basis as a means of improving maritime safety broadcast service and to cover gaps in coverage of similar information broadcast on the international NAVTEX frequency 518 kHz.

[249] As an additional measure to remove any confusion regarding permissible usage of the frequency 4209.5 kHz, we are amending the table in Section 80.359(a) to correct a typographical error. The frequency 4209.5 kHz is listed in that table as a DSC Series B ship frequency. The table will now list the correct DSC Series B ship frequency, 4209.0 kHz.

[250] 47 C.F.R. § 80.1085(a)(4).

[251] 47 C.F.R. § 80.1101(c)(1).

[252] Task Force Comments at 10.

[253] USCG Comments at 16.

equipment required for each Sea Area, and offers assistance in developing these tables.[254] Although we agree that simplified tables might be useful for readers, we decline to replace Sections 80.1085-80.1093 with simplified tables. The existing tables were extracted from the SOLAS Convention and simplified tables will have no authoritative endorsement. Hence, we believe that any such tables should be reviewed and accepted by the IMO before being added to our Rules. Thus, we encourage the USCG to develop these tables and submit them to the IMO for endorsement.

99. **§ 80.1095.** Section 80.1095 sets forth the survival craft equipment requirements.[255] The USCG asserts that paragraph (a) lacks clarity and proposes that it be replaced by the following:

> (a) At least three two-way VHF radiotelephone apparatus must be provided on every passenger ship and on every cargo ship of 500 tons gross tonnage and upwards. At least two two-way VHF radiotelephone apparatus must be provided on every cargo ship of between 300-500 tons gross tonnage. If portable, two-way VHF radiotelephones must be stowed in survival craft or in such locations that they can be rapidly placed in any survival craft other than life rafts required by Regulation 111/26.1.4 of the SOLAS Convention. Fixed two-way VHF radiotelephone installations in survival craft may also be used to meet this requirement. Two-way VHF radiotelephone apparatus, portable or fixed, must conform to performance standards as specified in Sec. 80.1101.[256]

We disagree with the USCG. We fail to see how the proposed language, which is almost identical to the existing language, clarifies the rule. Furthermore, the language in this rule has been drawn directly from the SOLAS regulations. Therefore, we take no action with regard to this proposed change.

100. **§ 80.1099.** Section 80.1099 of the Rules sets forth the power supply requirements for ships.[257] The USCG proposes that we amend Section 80.1099(h) to clarify that, under SOLAS regulation 13, the "continuous supply" requirement mandated by Section 80.1099(h) applies to a navigation receiver referred to in SOLAS regulation 18.[258] Inasmuch as this requirement originates from SOLAS, we will adopt the USCG's suggestion.

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[254] *Id.*

[255] 47 C.F.R. § 80.1095.

[256] USCG Comments at 32-33. For purposes of comparison, the rule currently provides:

> At least three two-way VHF radiotelephone apparatus must be provided on every passenger ship and on every cargo ship of 500 tons gross tonnage and upwards. At least two two-way VHF radiotelephone apparatus must be provided on every cargo ship of between 300-500 tons gross tonnage. Portable two-way VHF radiotelephones must be stowed in such locations that they can be rapidly placed in any survival craft other than liferafts required by Regulation III/26.1.4 of the SOLAS Convention. Alternatively, survival craft may be fitted with a fixed two-way VHF radiotelephone installation. Two-way VHF radiotelephone apparatus, portable or fixed, must conform to performance standards as specified in §80.1101 of this part. Two-way VHF radiotelephone apparatus provided on board ships prior to February 1, 1992, and not complying fully with the performance standards specified in §80.1101of this part, may be used until February 1, 1999, provided it is compatible with approved two-way VHF radiotelephone apparatus. 47 C.F.R. § 80.1095(a).

[257] 47 C.F.R. § 80.1099.

[258] USCG Comments at 14.

101. **§ 80.1105.** Section 80.1105 of the Rules sets forth the maintenance requirements for ship equipment.[259] The USCG proposes that we incorporate therein the SOLAS regulation requiring testing of satellite EPIRBs on board the ship or at an approved testing or servicing station, at intervals not exceeding twelve months for all aspects of operational efficiency, with particular emphasis on frequency stability, signal strength and coding.[260] Inasmuch as this requirement originates from SOLAS, we will adopt the USCG's suggestion.[261]

14. Manufacture and Distribution of non-DSC Capable VHF Radios

102. Maritel asserts that our new rules will require that all vessels carry DSC compatible equipment.[262] Maritel proposes that the regulations also impose an affirmative obligation on equipment manufacturers, and prohibit the distribution and/or sale of non-DSC capable VHF radios after the Coast Guard has declared that at least a meaningful portion of Sea Area A1 has been built.[263] Because we have already addressed and implemented a similar proposal by the USCG in the earlier proceeding, we decline to take any further action here.[264]

15. Consolidation of Rules Regarding Distress Communications

103. Maritel believes that the current organization of the rules concerning safety communications is confusing and the rules should be consolidated.[265] Maritel proposes that the safety and distress related communications rules found at Subpart W and Subpart G be consolidated into Subpart W, because both subparts specify similar procedures.[266] While consolidation of our Rules is indeed a goal of this proceeding, we do not believe consolidation of Subparts G and W is appropriate at this time. Consolidation may leave some ships that are not subject to Subpart W, but which carry radiotelephone equipment, without appropriate provisions for distress communication guidance. While after the USCG establishes Sea Areas A1 and A2, it may be appropriate to evaluate whether to retain Subpart G, no action will be taken at this time.

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[259] 47 C.F.R. § 80.1105.

[260] USCG Comments at 14.

[261] For the same reason, we adopt the USCG's associated recommendation to amend Section 80.1085(a)(6) to specify that satellite EPIRBs be examined and tested annually in accordance with IMO Circular MSC/Circ.882, Guidelines on annual testing of 406 MHz satellite EPIRBs. *Id.* at 14-15. Accordingly, Sections 80.1085 and 80.1105 will reflect the same substantive requirement for annual testing of satellite EPIRBs pursuant to international standards.

[262] Maritel Comments at 3.

[263] *Id.*

[264] *See* In the Matter of Amendment of the Commission's Rules Concerning Maritime Communications, *Second Report and Order and Further Notice of Proposed Rulemaking,* PR Docket No. 92-257, 12 FCC Rcd 16949, 16968 ¶ 32 (1997). In that proceeding, we required that all new applications for type acceptance of MF, HF, and VHF marine radios received on or after June 17, 1999, comply with either the current international DSC standard or the new minimum requirements developed by the RTCM and endorsed by the USCG. *Id.*

[265] Maritel Comments at 3.

[266] *Id.*

16. Automatic Switching of Distress Calls

104. Our Rules provide that GMDSS distress communications on the VHF band be originated or signaled on Channel 70.[267] Once contact has been made, the distress communication must then switch to another pre-designated channel. Maritel proposes that the FCC require that DSC transceivers have the ability to automatically switch from Channel 70 to the pre-designated communications channel once the responding entity has acknowledged the distress signal.[268] Under this proposal, however, an operator would still be able to manually switch the radio to the designated voice distress channel. The USCG is not opposed to this request, but states that any such automatic switching should be to Channel 16. Further, it suggests that once the operator in distress overrides automatic switching, no additional automatic switching should be permitted.[269]

105. We disagree with imposing such a requirement on all DSC transceivers, as there appears to be no clear advantage to adding this requirement. Further, such a requirement could have a substantial impact on manufacturers, as well as on ships who fit more than one VHF-DSC radio, as all their radios would automatically switch unnecessarily in the event of receipt of a distress alert. Furthermore, the DSC radio protocol is designed to alarm on receipt of a distress call, and must be manually cleared so that someone will pay attention to the call. If automatic switching is mandated, it is unclear what will happen to the alarm, and ships will not know if the call is acknowledged or repeated.

17. General Editorial Comments

106. The USCG recommends the following updates to names of international organizations, addresses, and ITU Radio Regulation numbering throughout Part 80.[270]

- CCIR (International Radio Consultative Committee) and CCIT should be changed to ITU-R (International Telecommunication Union Radiocommunications Sector) and ITU-T respectively.
- ITU Radio Regulation Articles and Appendixes now have an S preceding the reference.
- Change the address for the USCG AMVER office to AMVER Maritime Relations, USCG Battery Park Building, Room 201, New York, New York 10004-1499.
- Change the address for Radio Technical Commission for Maritime Services (RTCM) to Suite 600, 1800 Diagonal Road, Alexandria, VA 22314, http://www.rtcm.org.

We agree with the USCG's proposal, and will implement this proposal in our Rules where applicable.

IV. FURTHER NOTICE OF PROPOSED RULE MAKING

107. In response to our *Notice*, we received a number of comments and proposals that, if implemented, would result in significant changes to our Rules. We believe that it is appropriate to give interested parties an opportunity to comment on these proposals before we take any action thereon.

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[267] *See* 47 C.F.R. §§ 80.1077, 80.1111(b).

[268] Maritel Comments at 3.

[269] USCG Reply Comments at 2.

[270] USCG Comments at 20-21.

Furthermore, it was not possible to determine the full impact of such changes with the information provided.

108. In this *Further Notice of Proposed Rule Making*, we solicit comment on whether we should: (1) establish a voluntary restricted GMDSS license or take other measures to address the needs of recreational vessel operators; (2) clarify or change the safety watch obligations of public coast stations; (3) permit unattended operation of non-DSC equipment; (4) prohibit ship stations from including any device capable of transmitting on a distress frequency without regulatory authorization; (5) delete any existing emission classes; (6) permit the use of Channels 75 and 76 for navigation-related port operations, subject to specified power limits, and also require that transmitters operating on such channels be limited to the specified power limits, with no manual override capability; (7) codify in the Rules the RTCM's Recommended Practices for DSC equipment; (8) revise our radiotelephone and radiotelegraph distress call and message transmission procedures to incorporate DSC and GMDSS procedures; (9) authorize the use of INMARSAT-E EPIRBs by U.S. vessels operating solely within the INMARSAT coverage footprint; (10) require that small passenger vessels be outfitted with DSC equipment; (11) mandate that, on passenger ships, at least one qualified person be assigned to perform only radio communications duties during distress situations; and (12) incorporate additional SOLAS requirements for equipment in Subpart W. We also seek comment on issues pertaining to e-mail requests, Part 80 tables of frequencies, GMDSS radio operator examination requirements, and Part 80 cross-references to Part 2 of the Rules. Below, we describe these proposed changes in greater detail.

1. Voluntary Restricted GMDSS License

109. The Task Force recommends that a restricted GMDSS license be established to fill a need for voluntary training by recreational vessel operators who will soon begin using VHF-DSC, but who are not required to hold any license or receive any training.[271] It believes that the large number of these anticipated new users poses a serious false alarm threat to the safety system. Similarly, RBAW requests that consideration be given to establishing a restricted license to fill the need for voluntary training by recreational vessel operators and to fill the needs of U.S. citizens chartering recreational vessels in other countries that require such a license to operate a vessel equipped with DSC radios.[272]

110. At this time, we decline to propose to establish an additional license to be issued to recreational vessel operators upon completion of a voluntary training course. License administration is an enormous task that is extremely taxing upon Commission resources. Furthermore, there is no precedent for such a license. Nonetheless, we recognize that there may be some need for recreational vessel operators chartering recreational vessels in other countries to demonstrate competency in the use of DSC equipment. We therefore seek additional information on the specific nature of this or similar needs of recreational vessel operators, as well as information on what other options may be available to these operators to meet such needs. We further seek comment on our tentative conclusion, and on other actions we can undertake to assist such operators with such a need.

2. Coast Station Watches

111. Section 80.103(c) of our Rules requires that DSC acknowledgment of DSC distress and safety calls be made by designated coast stations in accordance with procedures contained in ITU-R

[271] Task Force Comments at 4.

[272] RBAW Comments at 1.

Recommendation 541.[273] Maritel comments that this rule presumes the establishment of Sea Area A1, but no coast station presently has the ability to acknowledge DSC distress calls, and will not have this ability until the establishment of that Sea Area.[274] Maritel asserts that the use of the term "designated coast station" as used in this section is not clearly defined, and assumes that this term will apply to the USCG or its designee. It would like us to clarify this term, and to clarify the entity that will have the authority to make such designations. Furthermore, because no entity currently has the ability to serve as a designated coast station and respond to DSC calls, Maritel suggests that Section 80.103(c) become effective only after a determination that Sea Area A1 is operational.

112. In response to Maritel's comments, the USCG replies that it supports a provision within the Commission's Rules that any coast station operating on Channel 70 have the ability and obligation to answer a distress call on Channel 70 if a USCG station does not or cannot answer such a call within the required time.[275] It proposes that the obligation of a station answering such a call would be similar to existing obligations regarding the receipt of a distress and safety call over voice channels.[276]

113. We believe that a decision on this issue cannot be made on the current record, and hereby request further comment on Maritel's and the USCG's respective proposals. We seek clarification of the parties' positions. Further, we seek comment on the Commission's authority to require public coast stations to conduct continuous safety watches, the economic impact of such a requirement on public coast stations, and the manner in which coast stations could relay distress communications to the USCG.

3. Unattended Operations for Non-DSC Equipment

114. Section 80.179 of our Rules permits DSC transmitters to operate unattended.[277] Maritel, which operates both DSC and non-DSC equipment, has requested that we extend Section 80.179 to non-DSC equipment by allowing the unattended operation of such equipment so long as the licensee has the ability to remotely terminate operations of the transmitter.[278] We are not persuaded by Maritel's proposal. We are concerned that broadening Section 80.179 might encourage potential abuse of the channel and could overload the channel beyond 0.1 Erlang[279] as well as encourage adding scanning receivers to all ships operating with VHF. Also, we are concerned about the implications of acknowledging distress calls without any manual intervention. We seek comment on our tentative conclusion on Maritel's proposal, and the impact and implications thereof.

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[273] 47 C.F.R. § 80.103(c).

[274] Maritel Comments at 6-7.

[275] USCG Reply Comments at 3-4.

[276] *Id.*

[277] 47 C.F.R. § 80.179.

[278] Maritel Comments at 11.

[279] An Erlang is a measurement of telephone traffic which indicates the loading of a given channel. It is used in probability analysis to predict the possibility of a channel being blocked from use, *i.e.*, in the telephone context, getting a busy signal. A 0.1 Erlang measurement indicates that 10 percent of the channel capacity is being used at any given time. *See* Newton's Telecom Dictionary, 16th Edition (2000) at 327.

4. Distress Frequency Signals

115. The USCG recommends that Section 80.203 of our Rules[280] be amended to forbid ship stations from including any device or provision capable of transmitting any signal on a distress frequency unless specific provisions exist in the regulations authorizing such a signal.[281] However, the Communications Act is very permissive about distress signals, and the effect of this proposal on manufacturers to put in tone signaling equipment is unclear. This proposal also appears to impede manufacturers from improving their equipment. Therefore, we seek public comment on the USCG's proposal to prevent ship stations from including any device capable of transmitting on a distress frequency without regulatory authorization. We are especially interested in receiving comments on the impact of such a rule on manufacturers, and whether such a rule would be consistent with the Communications Act.

5. Emission Classes

116. Although we have determined that the current record does not support deletion of any emission classes from Section 80.205 or Section 80.207,[282] we invite further comment on this issue. Commenters favoring the deletion of emission classes should explain the public interest benefits to be derived from such deletion. We are especially interested in receiving data or anecdotal evidence indicating whether the availability of these emission classes has caused actual interference to marine radio communications.

6. Use of Channels 75 and 76 for Port Operations

117. Section 80.373 describes the carrier frequencies assignable for ship-to-ship and ship-to-coast private communications.[283] The USCG proposes that the table in Section 80.373(f) describing the carrier frequencies available in the 156-162 MHz band for radiotelephone communications be amended to include Channels 75 (156.775 MHz) and 76 (156.825 MHz).[284] The USCG further proposes that these channels, which are currently designated in our Rules as guard bands for Channel 16 (156.800 MHz) and thus unavailable for use,[285] should be made available for navigation-related port operations or ship movement only, that transmitter output power should be limited to one watt for ship stations and ten watts for coast stations, and that we should require that all precautions be taken to avoid harmful interference to Channel 16.[286] Finally, the USCG recommends that the table heading for Channel 22A be amended to read "Liaison and Safety Broadcasts, U.S. Coast Guard" to reflect how the frequency is being used. We tentatively agree with all of the USCG proposals to amend Section 80.373(f) and propose to amend the rule accordingly.

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[280] 47 C.F.R. § 80.203.

[281] USCG Comments at 29.

[282] *See* ¶ 66, *supra*.

[283] 47 C.F.R. § 80.373.

[284] USCG Comments at 8.

[285] *See* 47 C.F.R. § 80.871(d).

[286] USCG Comments at 8.

118. Section 80.215 of our Rules contains the requirements for transmitter power.[287] In conjunction with its proposal to make Channels 75 and 76 available for navigation-related port operations or ship movement, the USCG also proposes that we amend Section 80.215(g)(3) to require that transmitters reduce the carrier power to one watt or less when the transmitter is tuned to Channel 75 or 76, with no manual override capability.[288] We seek comment on this proposal. We are specifically interested in whether the carrier power should be limited to one watt, under what circumstances should more than one watt be allowed, and how we can assure that there will be no interference to Channel 16. We are also concerned with the impact of such a rule on manufacturers, and seek comment on whether all new radios should be required to have the two new channels proposed by the USCG. Further, we are interested in receiving suggestions on appropriate grandfathering clauses, should the new transmitter power and channel addition proposals be implemented. Finally, we seek comment on whether we should narrowband these channels to relieve the strain of any perceived deficiencies in the number of available marine channels.

7. Digital Selective Calling Equipment

119. **§ 80.225.** Section 80.225 contains the requirements for selective calling equipment.[289] The USCG recommends that this section be amended to incorporate the RTCM Special Committee 101's Recommended Practices for Digital Selective Calling Equipment Design and Implementation. It recommends that the following language be added to Section 80.225(a):[290]

(i) allow the operator to disable any automatic radiotelephone channel switching function,
(ii) allow the operator the option of manually acknowledging any call,
(iii) not allow the automatic composition of a distress relay alert whose acknowledgement had already been received,
(iv) automatically erase any position information not updated for more than 23 ½ hours,
(v) explicitly prohibit the offering of wrong identities in relay messages,
(vi) ensure that default selections in a displayed menu requesting input, when allowed, should at a minimum follow ITU-R Recommendation M.541. A default selection shall never cause an improper or illegal operation.

RBAW concurs with these recommendations.[291] In addition, SEA points out that the CCIR reference in paragraph (c)(2) should refer instead to ITU-Recommendation M.493.[292] We tentatively agree with these suggestions, and seek comment on the proposed amendment to Section 80.225 set forth in Appendix C. We note, however, that this rule is applicable to all selective calling equipment, not just digital selective calling equipment, so the proposed change would also affect manufacturers of basic selective calling equipment (such as Necode in the Gulf). Commenters should address whether and, if so, to what extent existing equipment should be grandfathered if this proposal is adopted. In addition, commenters are

[287] 47 C.F.R. § 80.215.

[288] USCG Comments at 8.

[289] 47 C.F.R. § 80.225.

[290] USCG Comments at 22.

[291] RBAW Reply Comments at 1.

[292] SEA Comments at 4.

invited to address whether further amendments to Section 80.225 are warranted in light of continued revisions to DSC requirements being considered by both the ITU and the IEC.

8. Distress Call and Message Transmission Procedures

120. **§§ 80.320-80.329.** Sections 80.320 through 80.326 provide the radiotelephone and radiotelegraph distress call and message transmission procedures.[293] Sections 80.327 through 80.329 describe urgency signals and messages, and safety signals.[294] The Task Force recommends that these sections be edited to incorporate DSC and GMDSS procedures.[295] We seek further comment on this proposal. At present, our distress call and message transmission procedures are consistent with international procedures. We expect that the ITU will soon address the issue of whether there is a continued need to have provisions in the international Radio Regulations that specify radiotelegraph distress call and message transmission procedures, and question whether we should await the results of the international deliberations before making any changes on this subject in our own rules. Interested parties who favor amending these rules, irrespective of the timing and outcome of ITU consideration of this matter, should propose specific language for the rules.

9. INMARSAT-E EPIRBs

121. INMARSAT-E EPIRBs transmit a distress signal to INMARSAT geostationary satellites which includes a registered identity similar to that of the 406.0-406.1 MHz EPIRB and a location derived from a GPS navigational satellite receiver inside the EPIRB. Operating in the 1.6 GHz frequency band, INMARSAT-E EPIRBs may be detected anywhere in the world between 70 degrees North latitude and 70 degrees South latitude. Since geostationary satellites are used, alerts are transmitted nearly instantly to a rescue coordination center associated with the INMARSAT coast earth station receiving the alert. The Task Force recommends that we amend our rules to permit the use of INMARSAT-E EPIRBs by U.S. vessels operating solely within the INMARSAT coverage footprint, provided that the INMARSAT-E EPIRB incorporates a 121.5 MHz homing capability, a strobe light, and an integral GPS receiver.[296] The USCG has no objection to permitting the use of INMARSAT-E EPIRBs, provided that the INMARSAT-E EPIRB, alone or in conjunction with the system within which it functions,

- provides for locating (homing) on 121.5 MHz;
- includes a strobe light which complies with RTCM Recommended Standards for 406 MHz EPIRBs, Version 2.1, August 22, 2000;
- requires a suitable two-step means of activation which complies with the RTCM standard;
- if intended for automatic activation, is designed to operate automatically only when the beacon is both out of its mounting bracket and submerged in water, in compliance with the RTCM standard;
- is capable of providing regular non-manual position updates after the beacon floats free;
- has an associated registration database that fully complies with the data requirements of IMO Assembly Resolution A.887(21); and

[293] 47 C.F.R. §§ 80.320-80.326.

[294] 47 C.F.R. §§ 80.327-80.329.

[295] Task Force Comments at 8.

[296] *Id.* at 4.

- complies with IEC 61097-5 Ed. 1.0, Global maritime distress and safety system (GMDSS) – Part 5: INMARSAT-E EPIRB operating throughout the INMARSAT system – Operational and performance requirements, methods of testing and required test results.[297]

If we do authorize use of INMARSAT-E EPIRBs, the USCG adds, Section 80.1085(a)(6) of the Rules should be amended to mandate annual testing, as is required for 406.0-406.1 MHz EPIRBs.[298] We invite comment on the Task Force and USCG proposals to authorize the use of INMARSAT-E EPIRBs. Interested parties should address whether the conditions set forth above are necessary and sufficient, and may suggest additional conditions.

10. Small Passenger Vessels

122. **§ 80.905(a).** In the *Notice*, the Commission proposed to amend Section 80.905(a)(1)-(4) to require that VHF and MF radios required in these sections be DSC-equipped.[299] The USCG concurs but states that the class of DSC equipment needs to be specified.[300] It specifically recommends that the DSC-equipped VHF radios described in this section meet ITU-R Rec. M.493 (series) Class A, B or D for VHF and Class A, B or E for MF. The Task Force agrees with the Commission's proposal and recommends that the upgrade to VHF-DSC occur within one year after the USCG declares Sea Area A1 operational and to MF-DSC within one year after the USCG declares Sea Area A2 operational.[301] This is a major change that would affect numerous passenger ships. We therefore seek further comment on whether these changes should be implemented. We are specifically concerned with whether such a rule would be appropriate given that DSC is GMDSS equipment, and small passenger vessels are not covered by our GMDSS rules.

123. Section 80.905(a)(3)(iii)(A) and (a)(4)(iii)(A) requires ships operating over one hundred nautical miles from shore to carry SSB radios.[302] The USCG recommends that newly fitted SSB radios required in these sections be DSC-equipped in accordance with ITU-R Rec. (series) M.493 Class A, B or E.[303] It believes this requirement should be implemented because while ships operating on an HF receiver may not be able to reliably contact the USCG on these radios in an emergency due to a lack of coast stations receiving such transmissions, the USCG has implemented HF-DSC capability at various coast communications stations. With regard to vessels operating over two hundred nautical miles from shore, the Task Force does not believe such vessels should be permitted to use an SSB radio in lieu of the HF-DSC channels prescribed for GMDSS.[304] We seek further comment on these changes for the same reasons applicable to our Section 80.905(a) proposal discussed above.

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[297] USCG Comments at 28.

[298] *Id.*

[299] *NPRM*, Appendix A, 15 FCC Rcd at 5984.

[300] USCG Comments at 23.

[301] Task Force Comments at 9.

[302] 47 C.F.R. § 80.905(a)(3)(iii)(A), (4)(iii)(A).

[303] USCG Comments at 23.

[304] Task Force Comments at 9.

124. Section 80.905(a)(3)(iii)(B), (a)(4)(iii)(B) permits ships operating more than one hundred nautical miles from shore to carry INMARSAT ship earth stations instead of an SSB radio.[305] The USCG recommends that this section be revised to limit the ship earth stations authorized under this section to INMARSAT A (existing units only), B, C or M.[306] It reasons that such a requirement is necessary because the other INMARSAT units available for purchase do not have distress calling functions. We seek comment on this proposal.

125. Section 80.905(a)(3)(iv), (4)(iv) mandates vessels required to carry SSB radios to also carry reserve power supplies capable of powering SSB radios.[307] In order to maintain consistency with changes to Section 80.1099, which deals with the testing of battery chargers, the USCG proposes the addition of the words "including the navigation receiver referred to in § 80.905(a)(5)" at the end of these subparagraphs.[308] The USCG also proposes the addition of a new paragraph (a)(5) to Section 80.905, to state "All vessels must additionally meet the requirements of Section 80.1085(e)."[309] It reasons that the same requirements for updating position information used in automated distress alerting systems proposed by the Commission in Section 80.1085 are applicable to this subpart as well. We seek public comment on these proposals, as such changes would impose a GMDSS requirement on these small passenger vessels.

11. GMDSS Rules

126. **§ 80.1073.** The USCG proposes that we add to Section 80.1073 a specific requirement that on passenger ships, at least one qualified person must be assigned to perform only radio communications duties during distress situations.[310] We invite comment on this proposal. We ask commenters to consider whether the proposed amendment is necessary in light of existing Section 80.1073(b)(1), which mandates that a qualified GMDSS radio operator be available to act as a dedicated radio operator in cases of distress on all ships subject to GMDSS requirements.[311]

127. **§ 80.1083.** Section 80.1083 provides the requirements for ship radio installations.[312] The USCG recommends that we add the following requirements to this section, in order to incorporate new SOLAS regulations:[313]

> 4. In passenger ships, a distress panel shall be installed at the conning position. This panel shall contain either one single button which, when pressed, initiates a distress alert using all

[305] 47 C.F.R. § 80.905(a)(3)(iii)(B), (4)(iii)(B).

[306] USCG Comments at 24.

[307] 47 C.F.R. § 80.905(a)(3)(iv), (4)(iv).

[308] USCG Comments at 24.

[309] *Id.*

[310] *Id.* at 15.

[311] 47 C.F.R. § 80.1073(b)(1).

[312] 47 C.F.R. § 80.1083.

[313] USCG Comments at 13-14.

radiocommunications installations required on board for that purpose or one button for each individual installation. The panel shall clearly and visually indicate whenever any button or buttons have been pressed. Means shall be provided to prevent inadvertent activation of the button or buttons. If the satellite EPIRB is used as the secondary means of distress alerting and is not remotely activated, it shall be acceptable to have an additional EPIRB installed in the wheelhouse near the conning position.

5. In passenger ships, information on the ship's position shall be continuously and automatically provided to all relevant radiocommunications equipment to be included in the initial distress alert when the button or buttons on the distress panel is pressed.

6. In passenger ships, a distress alarm panel shall be installed at the conning position. The distress alarm panel shall provide visual and aural indication of any distress alert or alerts received on board and shall also indicate through which radiocommunication service the distress alerts have been received.

We tentatively agree, and seek comment on the proposed amendment to Section 80.1083 set forth in Appendix C.

128. **§ 80.1085.** The USCG proposes incorporating into Section 80.1085 the SOLAS requirement that every passenger ship be provided with means for two-way on-scene radiocommunications for search and rescue purposes using the aeronautical frequencies 121.5 and 123.1 MHz from the position from which the ship is normally navigated.[314] We tentatively agree with this recommendation, and seek comment on the proposed amendment to Section 80.1085 set forth in Appendix C.

12. Electronic Mail Requests

129. The Task Force recommends that we allow e-mail as a permitted mode for making official requests and reports required under Part 80 of our Rules.[315] We hereby solicit comments on this proposal. Interested persons should comment on whether we should allow such requests and, if so, specifically what types of requests should be allowed. They should also explain any basis for adopting such a rule for Part 80, instead of addressing the issue more broadly.

13. Tabular Listings of Part 80 Frequencies

130. We invite comment on whether we should continue our practice of listing carrier frequencies rather than assigned frequencies in the frequency tables in our Part 80 rules.[316] Although the carrier frequency is the frequency actually used by a licensee, the assigned frequency, which differs from the carrier frequency when emissions with a suppressed carrier are transmitted, is the frequency identified on the license. We are concerned that listing carrier frequencies alone may lead to some confusion. Commenters should address the relative benefits of listing carrier frequencies, assigned frequencies or both frequencies in the Part 80 tables.

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[314] *Id.*

[315] Task Force Comments at 11.

[316] *See, e.g.*, 47 C.F.R. §§ 80.313, 80.374(b)(2), (c)(2), 80.379(a).

14. Examination Requirements for GMDSS Radio Operators

131. We propose to further modify our commercial radio operator license examination requirements for GMDSS operators. Currently, Section 13.203(a)(5) of the Rules provides that the written examination for Element 7, GMDSS radio operating practices, shall consist of 76 questions.[317] Based on our experience in updating the question pool for Element 7,[318] we believe a 100-question examination for Element 7 would provide a better assessment of whether applicants have the necessary breadth of knowledge to qualify as a GMDSS operator. We therefore propose to amend Section 13.203(a)(5) to mandate a 100-question examination for Element 7, and we invite comment on this proposal. We also invite suggestions regarding the appropriate number of questions for the written examination for new Element 7R that will be associated with the restricted GMDSS Radio Operator's License that we have established in this proceeding.[319] Commenters may also propose language to be included in Section 13.203 prescribing the matters to be covered by the Element 7R questions.

15. Cross-references

132. Finally, we note that Section 80.1103 of the Rules contains cross-references to Sections 2.975 and 2.983 of the Rules.[320] Those Part 2 Rules were deleted, however, effective October 5, 1998.[321] We request comment on how we should revise Section 80.1103 to reflect the removal of Sections 2.975 and 2.983. In addition, we ask commenters to identify other rules in Part 80 that may have obsolete or inaccurate cross-references, and to suggest how those rules should be revised.

V. REGULATORY MATTERS

A. Ex Parte Rules - Permit-But-Disclose Proceeding

133. This is a permit-but-disclose notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in our Rules.[322]

B. Final Regulatory Flexibility Certification

134. The Regulatory Flexibility Act (RFA)[323] requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not,

[317] 47 C.F.R. § 13.203(a)(5).

[318] *See* Wireless Telecommunications Bureau Approves New Commercial Operator License Examination (COLE) Question Pool for Element 7 (Global Maritime Distress and Safety System (GMDSS) Radio Operating Procedures), *Public Notice*, 16 FCC Rcd 14466 (WTB 2001).

[319] See ¶ 13, *supra*.

[320] 47 C.F.R. § 80.1103(b)-(c).

[321] *See* Amendment of Parts 2, 15, 18 and Other Parts of the Commission's Rules to Simplify and Streamline the Equipment Authorization Process for Radio Frequency Equipment, *Report and Order*, ET Docket No. 97-94, 13 FCC Rcd 11415, 11443 (1998).

[322] *See generally* 47 C.F.R. §§ 1.1202, 1.1203, 1.1206(a).

[323] 5 U.S.C. § 603.

if promulgated, have a significant economic impact on a substantial number of small entities."[324] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[325] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[326] A small business concern is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[327]

135. The purpose of this *Report and Order and Further Notice of Proposed Rule Making* is to streamline and clarify our Rules under Parts 13 and 80 governing maritime communications. We believe that the rules adopted in the *Report and Order* do not impose any additional compliance burden on small entities regulated by the Commission.

136. We have identified those small entities that could conceivably be affected by the rule changes adopted herein. Small businesses in the aviation and marine radio services use a marine very high frequency (VHF) radio, any type of emergency position indicating radio beacon (EPIRB) and/or radar, a VHF aircraft radio, and/or any type of emergency locator transmitter (ELT). The Commission has not developed a definition of small entities specifically applicable to these small businesses. For purposes of this certification, therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) communications. This definition is that a "small entity" for purposes of public coast station licensees, a subgroup of marine radio users, is any entity employing 1,500 or fewer persons. 13 C.F.R. § 121.201, Standard Industrial Classification (SIC) Code 4812, now NAICS Code 513322). Since the size data provided by the Small Business Administration do not enable us to make a meaningful estimate of the number of marine radio service providers and users that are small businesses, we have used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that 12 radiotelephone firms out of a total of 1,178 such firms which operated in 1992 had at least 1,000 employees.

137. The adopted rules may also affect small businesses that manufacture marine radio equipment. The Commission has not developed a definition of small entities applicable to Radio Frequency Equipment Manufacturers (RF Manufacturers). Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to manufacturers of "Radio and Television Broadcasting and Communications Equipment." According to the SBA regulations, an RF manufacturer must have 750 or fewer employees in order to qualify as a small business. 13 C.F.R. § 121.201, North American Industrial Classification System (NAICS) Code 33422. Census Bureau data indicate that there are 858 companies in the United States that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.

138. We anticipate that these rule changes will not impose any new burdens on small entities, but in fact will reduce regulatory and procedural burdens on small entities. For example, the incorporation by reference into our Rules of updated technical requirements for maritime radio equipment, *i.e.*, modified International Electrotechnical Commission (IEC) standards, can be expected to ultimately reduce compliance costs for ship owners and manufacturers because it avoids inconsistency

[324] 5 U.S.C. § 605(b).

[325] *Id.*

[326] 5 U.S.C. § 601(3).

[327] 5 U.S.C. § 632.

between domestic and international requirements, providing internationally recognized criteria and test procedures for certification of GMDSS equipment.[328] Moreover, to mitigate any potential compliance burden on manufacturers and ship owners that could stem from a sudden change in the standards, we established grandfathering provisions that allow the installation of equipment meeting the old standards for a significant period of time after the effective date of these rules.[329] More broadly speaking, the general effect of the rule changes adopted herein is to streamline the rules, remove duplicative requirements, provide greater operational flexibility, promote spectrum efficiency, and make our rules consistent with international requirements, all of which are measures that should have an overall beneficial effect on the regulated entities.[330] We certified in the *Notice of Proposed Rule Making* in this proceeding that the rules proposed therein will not, if promulgated, have a significant economic impact upon a substantial number of small entities, as that term is defined by the RFA,[331] and no party has challenged or otherwise commented on that certification.[332]

139. We therefore certify that the requirements of this *Report and Order* will not have a significant economic impact upon a substantial number of small entities, as that term is defined by the RFA.

140. The Commission will send a copy of this *Report and Order*, including a copy of this final certification, in a report to Congress pursuant to the Congressional Review Act.[333] In addition, the *Report and Order* and this final certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the Federal Register.[334]

141. To fully ensure that potential compliance burdens on small entities are fully explored, however, we have determined not to act immediately on certain proposals set forth in the *NPRM* or raised

[328] *See* ¶ 38, *supra.*

[329] *Id.*

[330] *See, e.g.*, ¶ 42, *supra* (eliminating unnecessary rules regarding ship radiotelephone and radar installations, and conforming those that remain to the international requirements); ¶ 44, *supra* (permitting J2B and J2D emissions in the HF band to increase operational flexibility and spectrum efficiency); ¶¶ 52-54, *supra* (providing regulatory relief with respect to small passenger vessels by permitting the installation of portable VHF-DSC radios and by extending the existing GMDSS exemption for such vessels to one year after the USCG declares Sea Areas A1 and A2.); ¶¶ 69, 72, *supra* (removing obsolete rules).

[331] *NPRM*, 15 FCC Rcd at 5964.

[332] Although their comments did not specifically address the certification of no significant impact in the *NPRM*, the Alaska Fishing Fleet did argue that requiring fishing vessels to comply with certain GMDSS equipment requirements would impose an unnecessary economic burden. Alaska Fishing Fleet Comments at 1. We note that the Alaska Fishing Fleet did not attempt to quantify the costs of this burden, and that their argument that this is an undue burden is premised largely on their contention that requiring fishing vessel compliance with these requirements would not promote safety, an argument that we have squarely rejected. *See* ¶¶ 9-10, *supra*. Finally, and most importantly, these requirements were imposed in 1992, not in the instant rulemaking. *See* Amendment of Parts 13 and 80 of the Commission's Rules to Implement the Global Maritime Distress and Safety System (GMDSS) to Improve the Safety of Life at Sea, *Report and Order,* PR Docket No. 90-480, 7 FCC Rcd 951 (1992).

[333] See 5 U.S.C. § 801(a)(1)(A).

[334] *See* 5 U.S.C. § 605(b).

Report and Order and this final certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the Federal Register.[334]

141. To fully ensure that potential compliance burdens on small entities are fully explored, however, we have determined not to act immediately on certain proposals set forth in the *NPRM* or raised by commenters, but instead to seek further comment on those proposals. These matters are discussed in the *Further Notice of Proposed Rule Making*.[335] Appendix D contains an Initial Regulatory Flexibility Analysis (IRFA) with respect to the *Further Notice of Proposed Rule Making*. As required by the RFA, the Commission has prepared an analysis of the possible impact on small entities of the proposed rules set forth in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Further Notice of Proposed Rule Making*, but they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this *Further Notice of Proposed Rule Making*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

C. Comment Dates

142. Pursuant to Sections 1.415 and 1.419 of our Rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before [90 days after Federal Register publication] and reply comments on or before [120 days after Federal Register publication]. Comments may be filed using the Commission's Electronic Filing System (ECFS) or by filing paper copies.[336]

143. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be addressed to the Commission's Acting Secretary, William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th St., S.W., Washington, D. C. 20554. Filings can be sent first class by the U.S. Postal Service, by an overnight courier or hand and message-delivered. Hand and message-delivered paper filings must be delivered to 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. Overnight courier (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

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[334] *See* 5 U.S.C. § 605(b).

[335] The *Further Notice of Proposed Rule Making* is not confined to such issues regarding the economic impact of the proposals on the affected entities, but rather also seeks comment on other issues pertaining to the proposals.

[336] *See* Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

144. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Jeffrey Tobias, Esq., Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th St., S.W., Room 2-C828, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Microsoft Word 97 or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case, WT Docket No. 00-48), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy - Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters should send diskette copies to the Commission's copy contractor, Qualex International, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

D. Paperwork Reduction Act

145. This *Report and Order and Further Notice of Proposed Rule Making* does not contain any new or modified information collection.

E. Ordering Clauses

146. Accordingly, IT IS ORDERED that, pursuant to the authority of Sections 4(i), 303(r), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 332(a)(2), Parts 2, 13 and 80 of the Commission's Rules ARE AMENDED as set forth in the attached Appendix B, effective sixty days after publication in the Federal Register.

147. IT IS FURTHER ORDERED that, pursuant to Sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r) and 403, this *Further Notice of Proposed Rule Making* IS HEREBY ADOPTED, and NOTICE IS HEREBY GIVEN of the proposed regulatory changes described in the *Further Notice of Proposed of Rule Making* and contained in Appendix C.

148. IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Report and Order and Further Notice of Proposed Rule Making*, including the Regulatory Flexibility Certification and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

F. Further Information

149. For further information, contact Jeffrey Tobias, jtobias@fcc.gov, or Ghassan Khalek, gkhalek@fcc.gov, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680, or TTY (202) 418-7233.

150. Alternative formats (computer diskette, large print, audiocassette and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426, TTY (202) 418-7365, or at bmillin@fcc.gov. This *Report and Order and Further Notice of Proposed Rule Making* can also be downloaded at: http://www.fcc.gov/dtf/.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary